

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BAKARY MARIKO,

Petitioner,

Hon. Richard Alan Enslen

v.

Case No. 1:05-CV-835

ALLEN BYAM,

Respondent.

REPORT AND RECOMMENDATION

This matter is before the Court on Respondent's Motion to Dismiss Habeas Petition as Moot. (Dkt. #14). In accordance with 28 U.S.C. § 636(b) authorizing United States Magistrate Judges to submit proposed findings of fact and recommendations for disposition of prisoner petitions, the Court recommends that Respondent's motion be **granted** and Mariko's petition be **dismissed**.

ANALYSIS

On December 15, 2005, Petitioner initiated this action challenging his continued detention pending removal from the United States. (Dkt. #1). Petitioner does not challenge the determination to remove him from the country. *Id.* On April 28, 2006, Petitioner was released from custody pursuant to an Order of Supervision. (Dkt. #15, Exhibit 1). Respondent has, therefore, moved to dismiss as moot the present action. Petitioner has failed to respond to the present motion.

As it appears that Petitioner has obtained the relief requested in his petition for writ of habeas corpus, the Court recommends that Respondent's motion be **granted** and Mariko's petition be **dismissed as moot**.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Respectfully submitted,

Date: July 11, 2006

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge